

140



12-11-03

AP/2878

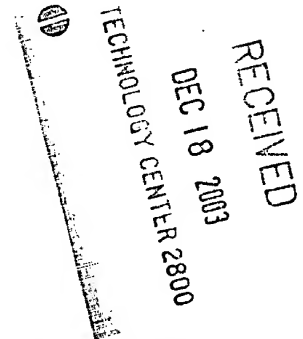
PATENT
Customer No. 22,852
Attorney Docket No. 9314.0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
PALME et al.) Group Art Unit: 2878
)
Application No.: 09/806,704) Examiner: Stephen K. Yam
)
Filed: June 27, 2001)
)
For: SYSTEM AND METHOD FOR)
MONITORING THE)
PERFORMANCE OF DENSE)
WAVELENGTH DIVISION)
MULTIPLEXING OPTICAL)
COMMUNICATIONS SYSTEMS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

COMMUNICATION



In the above-identified application, an Amendment After Notice of Appeal that cancelled all claims except for claims 41 and 42 and amended claims 41 and 42 such that they would be allowable was mailed on August 13, 2003. An Amendment with additional claims was filed with an RCE on August 14, 2003. A Notice of Allowability and Issue Fee Payment Due with only claims 41 and 42 allowed was mailed from the PTO on September 9, 2003.

In a conversation with the Examiner on December 8, 2003, the Examiner indicated that the Amendment of August 13 was entered, but that the RCE filed on August 14 was not entered. The Notice of Allowability and Issue Fee Payment, was mailed in response to the August 13 Amendment. The Examiner further indicated that the Notice of Allowability and Issue Fee

Payment will be withdrawn and that the RCE with the amendment filed with the previous RCE will be entered. Therefore, no payment of the Issue Fee should be made at this time.

If there is any fee due in connection with the filing of this Communication, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 9, 2003

By: 

Gary J. Edwards
Reg. No. 41,008

**EXPRESS MAIL LABEL NO.
EV 398930329 US**